IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

COMPANY APPLICATION No. 701 of 2006
IN COMPANY PETITION No.783 of 2005
IN B.I.F.R.CASE No.605/99.

M/s. Maharashtra Electronics
Corpon.Ltd. ..Applicant.

Ms. Jyoti Desai, i/b. Sheikh Yusuf Ali
for Dhir & Dhir Associates for applicant.

Mr. K.V. Gautam, Dy.O.L. present.

CORAM : S.C.DHARMADHIKARI,J.

DATE : 30th June, 2006.

P.C.

1] Heard learned counsel appearing for the applicant and the Official Liquidator.

2] The Company Application is seeking to set aside an order passed by this Court admitting the Company Petition for winding up. The Maharashtra Government Undertaking who is the applicant before me was found to be unvaiable and the B.I.F.R.opined that it should be wound up.

3] That opinion of the B.I.F.R.is treated as Company Petition for winding up in terms of Section 20 of Sick Companies (Special Provisions)Act, 1985. It came to be admitted by this Court and the Official Liquidator is appointed.

4] The applicant has relied upon the annextures and the affidavit in support and it is pointed out by the learned counsel that the opinion of the B.I.F.R. recorded in its order dated 29th May, 2003 has been set aside in appeal by the A.A.I.F.R. and the appellate order is passed on 27th February, 2006. The appeal is allowed and the matter is remanded to B.I.F.R. for framing a Scheme of Rehabilitation. The Appellate Authority has observed that the applicant Company is capable of reviving itself.

5] In the above circumstances, the foundation of this Court's order dated 29th September, 2005 does not survive. The order, therefore, deserves to be set aside. The Company Petition is made absolute in terms of prayer clause (a) on the condition that the applicant deposit with the Official Liquidator costs quantified at Rs. 20,000/-.

[S.C.DHARMADHIKARI,J.]